

REMARKS

The present amendment is submitted in response to a Final Office Action issued on June 25, 2008. Applicants thank the Examiner for the telephonic interview conducted on September 4, 2008 and submit herewith a summary of said interview.

The application consists of claims 1-4, 6-16. Claims 9-15 are withdrawn from consideration and claim 16 is new. An amendment of cosmetic nature is made to claim 1.

Summary of Interview

The following rejections were discussed during the interview:

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. 103(a) as being obvious over Hassan et al ("A Radiotelemetry Pill for the Measurement of Ionising Radiation Using a Mercuric Iodide Detector", Phys. Med. Biol., 23(2): 302-308, 1978) in view of Barrett et al (US 4,595,014) and Schentag (US 5,279,607), and further in view of Glukhovsky (US 6,584,348). Claim 8 stands rejected further in view of Zhang (Society of Nuclear Medicine, June 2000).

Applicants' representative noted that claim 1 includes the following limitation which is not taught nor suggested by the prior art:

"circuitry comprising at least one sensor adapted to determine the location and orientation of the ingestible device in the gastrointestinal tract and the circuitry is further adapted to reconstruct the diagnostic image based on said location and orientation."

In his rejection, the Examiner indicates that Hassan, Barrett, Glukhovsky and Schentag fail to teach the system comprising circuitry adapted to determine the orientation of the ingestible device. However, Hassan suggests the need for orienting the ingestible device in page 306, first paragraph.


Applicants' representative argued that not only is this not suggested by Hassan, Hassan teaches away from adding such circuitry which complicates the design of the pill and does not provide any utility to Hassan. Hassan's pill comprises one detector only and there is therefore neither need nor utility in knowing the orientation of Hassan's pill. In the introduction section of page 1, Hassan describes its pill as "a small inexpensive radiation pill". It is accordingly submitted that Hassan would not add circuitry which will make the pill more complex and will not add any utility to it.

The Examiner agreed with applicant's representative's arguments and indicated that claim 1 comprises a novel combination over the prior art on record. The Examiner also noted that a further search will be conducted after filing of the present response.

It was further agreed that applicants will add a new method claim corresponding to system claim 1. Applicants are adding method claim 16 accordingly.

In view of the above remarks, applicant submits that the claims are patentable over the prior art. Allowance of the application is respectfully awaited.

Respectfully submitted,


Martin D. Moynihan
Registration No. 40,338

Date: September 22, 2008

Enclosures:

- Request for Continued Examination